

### **Remarks**

Claims 1-5, 9-19 remain pending. Claims 1, 4, 5, 9-12, and 17 have been amended. Claims 6-8 have been cancelled.

### **Summary of Telephone Interview**

Applicant thanks the Examiner for discussing this application with Applicant's representative, Mukundan Chakrapani, on August 14, 2009.

A proposed amendment to independent claim 1 was discussed during the interview.

Applicant's representative had, prior to the interview, provided a copy of the proposed amendments to the Examiner.

Applicant's representative and the Examiner agreed that the proposed amendments overcame the prior art objections raised in the Office Action dated June 9, 2009. The Examiner, however, suggested that further search and consideration would be required and recommended filing a Request for Continued Examination along with the formal amendments to the claims.

Accordingly, Applicant submits amendments to claims as discussed during the interview for further consideration. A Request for Continued Examination is being concurrently filed.

### **Claim Amendments**

Applicant formally submits the claim amendments proposed to the Examiner during the telephone interview. Due to the amendments to the independent claims, claims 6-8 have been rendered redundant and have been cancelled. Claim dependencies have been accordingly amended in claims 9-11. Claims 4, 5, 11, and 17 have been amended to maintain consistency in claim language.

### **Claim Rejections – 35 USC 103**

The Examiner rejected claims 1-9 and 12-19 as being unpatentable over U.S. Patent No. 6,393,284 to Dent in view of U.S. Patent No. 6,400,948 to Hardin and in further view of U.S. Patent No. 5,996,657 to Sporre. The Examiner rejected claim 10 as being unpatentable over the combination of Dent and Hardin in view of Sporre, and in further view if U.S. Patent No. 5,465,388 to Zicker.

Applicant respectfully requests reconsideration of the rejections having regard to the following remarks.

Applicant has amended independent claims 1 and 12 to recite that when a selected subset of associated channels in a predefined frequency band is scanned to create a list of potential channels carrying signals having power in excess of a predetermined threshold and when at least one channel in the list of potential channels is identified as carrying an encoded signal; the remaining subsets of the associated channels, which together with the selected subset comprise the predefined frequency band, are then scanned to create a complete list of potential channels that carry the encoded signal. A connection between the mobile device and the network is established using the channel carrying the strongest signal within the channels identified as carrying the encoded signal.

Support for this amendment exists at least in Figure 6 and the associated description in the original specification.

Ordinarily, a device connects to the encoded signal carrying channel that has highest signal power. In the case where only a subset of the channels of the frequency band are scanned to find one or more channels carrying an encoded signal, one cannot be sure that any of said encoded signal carrying channels actually has the highest signal power of the possible channels in the complete set because channels of other subsets have not been scanned (at that time). Thus, the method of Figure 6 ensures that, having identified in one subset at least one encoded signal carrying channel, it performs a complete scan of all channels to identify all encoded carrying signal channels and thus finds the encoded signal carrying channel of the complete set that has highest power. The complete scan is performed by either scanning all

channels of the frequency band including the already scanned subset or just scanning unscanned subsets in addition to the scanned subset. This arrangement has the advantage that, when no signal is detected, only subsets of the frequency band are scanned thereby saving battery power but when a signal is detected during a scan of a subset of the channels this provides an indication that it would now be a good time to perform a full scan to obtain a complete list of channels having an encoded signal. Thus, the present invention saves power through scanning only subsets of channels when no signal is detected but when a signal is detected during a scan of a subset of channels it indicates that now is a good time to perform a full scan.

As discussed during the interview on August 14, 2009, and as agreed by the Examiner, none of the cited prior art, either alone or in combination, teach or suggest the features of amended independent claims 1 and 12. Thus, amended independent claims 1 and 12 are patentable over Dent, Hardin and Sporre. For at least the same reasons, their respective dependent claims are patentable over Dent, Hardin, Sporre and Zicker. Withdrawal of the rejections under 35 USC 102 is respectfully requested.

Applicant submits that the Examiner's rejections have been addressed and cordially requests early reconsideration of this application.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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